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7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
9 AT SEATTLE

10 NAXOS, LLC,

11 Plaintiff,

12 v.

13 AMERICAN FAMILY  
14 INSURANCE COMPANY,

15 Defendant.

CASE NO. C18-1287JLR

ORDER TO SHOW CAUSE  
REGARDING DIVERSITY  
JURISDICTION

16 Before the court is Defendant American Family Insurance Company's ("AFI")  
17 notice of removal. (*See* Not. of Rem. (Dkt. # 1).) Plaintiff Naxos, LLC ("Naxos") filed  
18 state law causes of action against AFI in the Washington State Superior Court for King  
19 County. (*See* Compl. (Dkt. # 1-2).) AFI removed the case to this court on August 30,  
20 2018. (*See* Not. of Rem.) The court has reviewed the complaint and the notice of  
21 removal and finds that AFI has failed to provide an adequate basis for subject matter  
22 jurisdiction over this action. The court therefore orders AFI to serve and file within

1 fourteen (14) days of the date of this order a submission providing the following  
2 information:

3 AFI asserts that the court's jurisdiction is based on diversity of citizenship. (*See*  
4 Not. of Rem. ¶¶ 12-14 (citing 28 U.S.C. § 1332).) For purposes of assessing diversity  
5 jurisdiction, the court must consider the domicile of all members of a limited liability  
6 company. *Johnson v. Columbia Props. Anchorage, LP*, 437 F.3d 894, 899 (9th Cir.  
7 2006); *see also* Local Rules W.D. Wash. LCR 8(a). The removal statute is strictly  
8 construed against removal jurisdiction, and a removing defendant bears the burden of  
9 establishing grounds for federal subject matter jurisdiction in the case. *Cal. ex rel.*  
10 *Lockyer v. Dynegy, Inc.*, 375 F.3d 831, 838 (9th Cir. 2004).

11 AFI alleges that Naxos "is a Washington limited liability company based in Kent,  
12 Washington." (Not. of Rem. ¶ 2.) AFI, however, fails to allege the domicile of Naxos's  
13 members. (*See id.* ¶¶ 1-16.) Absent allegations of all of Naxos's members, the court  
14 cannot determine whether AFI has properly invoked the court's subject matter  
15 jurisdiction.

16 Accordingly, the court ORDERS AFI to SHOW CAUSE why this case should not  
17 be dismissed for lack of subject matter jurisdiction. If AFI fails to provide the court with  
18 the information described above within fourteen (14) days of the date of this order, the

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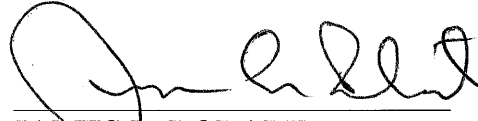
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1 court will remand this action to state court. Naxos may, but is not required to, respond to  
2 the court's order to show cause within the same timeframe.

3 Dated this <sup>th</sup>19 day of September, 2018.

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5 JAMES L. ROBART  
6 United States District Judge  
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